

House Bill 1465

By: Representatives Freeman of the 140th, Ralston of the 7th, Fleming of the 117th, May of the 111th, Keown of the 173rd, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to provide a forfeiture procedure for motor vehicles used in the commission of or attempted commission of certain sexual offenses against victims under 14 years of age; to provide for a cross-reference; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, is amended by adding a new Code Section 16-6-5.2 to read as follows:

"16-6-5.2.

(a) Any motor vehicle operated by a person in the commission of or to facilitate an offense involving a victim under 14 years of age and involving the commission of:

(1) Kidnapping as defined in Code Section 16-5-40;

(2) Rape, as defined in Code Section 16-6-1;

(3) Aggravated sodomy, as defined in Code Section 16-6-2;

(4) Aggravated child molestation, as defined in Code Section 16-6-4, unless the defendant was punished as for a misdemeanor;

(5) Aggravated sexual battery, as defined in Code Section 16-6-22.2;

(6) Sexual exploitation of children, as defined in Code Section 16-12-100.2, involving a meeting with a child or a person believed by the defendant to be a child, unless the defendant was punished as for a misdemeanor; or

(7) Any attempt as defined in Code Section 16-4-1 to violate the Code sections referenced in paragraphs (1) through (6) of this Code section

shall be declared contraband, and the procedure for forfeiture and disposition of forfeited property shall be as provided for under Code Section 16-6-13.2.

(b) Use of a motor vehicle in the commission of or to facilitate a violation of the Code sections referenced in subsection (a) of this Code section shall include a vehicle used to travel to or from the location of the offense or a vehicle in which a violation occurred. As used in this Code section, the term 'motor vehicle' means any motor vehicle as defined in Code Section 40-1-1."

SECTION 2.

Said chapter is further amended by adding a new subsection to the end of Code Section 16-6-13.2, relating to prosecution, forfeiture, and seizure of property, in rem actions, and civil proceedings for property involved in certain sexual offenses, to read as follows:

"(w) The provisions of this Code section shall apply to proceedings undertaken pursuant to Code Section 16-6-5.2."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.